

# The dying men and a fight for justice

*Bryan Christie reports on the asbestos sufferers seeking fairer treatment in the Scottish courts*

WHEN ASBESTOS sufferers die in Scotland, their claims for compensation die with them. It is a legal anomaly: in the rest of the United Kingdom the claims live on.

The families of Scottish sufferers may lodge claims for the losses they have suffered, but the levels of settlement are greatly reduced.

The Scottish system is coming under growing criticism. A report by the Scottish Law Commission in March recommended changes.

The commission even suggested that there was an incentive under the existing arrangements for the insurance companies to delay settlements or spin out the litigation until a victim died.

The situation has led the chairman of the action group Clydeside Action on Asbestos, Bert Connor, to describe Scottish

sufferers as the industrial lepers of the UK.

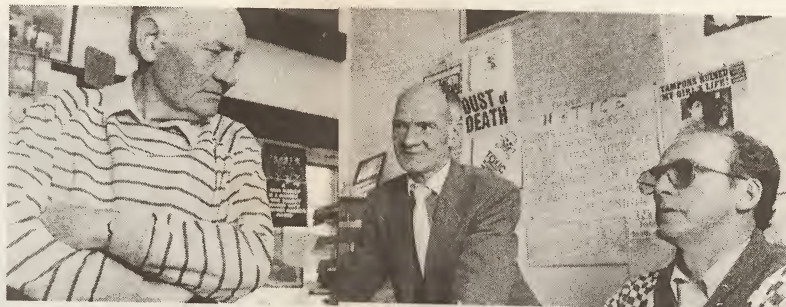
He claimed the system put pressure on Scots to accept lower out-of-court settlements.

Two Labour MPs — Tam Dalyell and Brian Wilson — are calling on the Government to amend the law by introducing legislation through the Scottish Grand Committee, a device which would beat the problem of a lack of debating time in the Commons.

Such a move would use the 72-strong committee of all Scottish MPs to provide a fast track for legislation north of the Border to bring the situation into line with the rest of the UK.

A spokesman for the Scottish Office said last night the matter was still being considered by ministers. But he hinted that there would be a decision soon.

Yet the sufferers and their



Campaigners (left to right): Pat McCrystal, Joe Mullon and Bert Connor of the Clydeside action group

families are still waiting.

Asbestos exposure is the most important work-related cause of death after industrial accidents.

Every year in Britain there are between 700 and 800 new cases

of mesothelioma and 150 of asbestosis whose levels are not expected to decline until the end of the decade.

Asbestosis, which results in breathlessness and coughing, can

lead to malignant growths. It is related to exposure over a number of years.

Mesothelioma, by contrast, does not need a long period of exposure but those affected have

usually breathed in heavy quantities of asbestos fibres. Wives who have washed their husband's asbestos-coated clothing have ended up with the disease.

The fibres are microscopic versions of small needles which the lung cannot absorb. It can take many years for them to migrate across the lung and when they collect in sufficient numbers in the pleura — the membrane covering the lungs and the interior of the chest wall — they can cause a fatal malignancy.

The risk of that happening has been assessed at one in 100 for workers who have been exposed to heavy concentrations of asbestos.

Asbestos was used extensively in shipbuilding, power stations and other construction projects until the problems were highlighted in the 1950s

Dr Irving Selikoff, a pioneer in environmental medicine in the United States who died two weeks ago, helped expose the dangers through his work with patients in New Jersey.

His work was frustrated to some degree by employers who refused to release workers' health records. Barry Castleman, writing in the *British Journal of Industrial Medicine*, says the asbestos industry knew about the problem as early as the 1930s but covered it up.

A consortium of US companies was so worried that it established its own laboratory in 1943 in the hope of disputing the claims. One of those studies found that mice which were made to inhale asbestos were 16 times more likely to develop lung cancer.

That was never made public. Editorial, Page 16

The victims' tales: How two of the sufferers, both former shipworkers, have come to terms with their illness

## 'No one ever told us about the danger'

FORTY YEARS ago, Alex Meiklejohn and Henry Haldane worked side by side at Burntisland shipyard. Earlier this year that experience brought them back together — but in the worst of circumstances.

They were both patients in Fife's Cameron Hospital suffering from the highly malignant lung condition mesothelioma, brought on by their exposure to asbestos. Today Mr Haldane is dead and Mr Meiklejohn is confined to his house, unable to walk any distance because of breathing difficulties.

"I was always on the go," said Mr Meiklejohn, 73, of Sommerville Square, Burntisland. "It hurts me to be sitting around the house like this. I pray at night to be able to walk about free again."

Although he has retained a

health than compensation. She was unaware of the legal situation. However, she said it seemed unjust and unfair.

Mr Meiklejohn's concerns are more immediate. He said he would have liked to have received some immediate compensation which could have paid for a trip to South Africa to see his step-son.

Mr Meiklejohn started as an apprentice shipwright in the former Burntisland shipyard after leaving school. His work regularly took him into the engine room where pipes were being lagged with asbestos and the dust fell all around him.

"We used to go for a pint after work to wash out our throats," he recalled. "Every day I had to go home and have a bath and this carried on for five or six years."

Subsequently, Mr Meiklejohn joined the Royal Navy,



Frustrated and angry: Pat McCrystal with the boat he fears he will never live to sail

## Shipbuilder 'cheated out of a retirement'